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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,347	11/25/2003	Osamu Azami	04995/129001	4741
7590		01/10/2008		
Jonathan P. Osha Rosenthal & Osha L.L.P. Suite 2800 1221 McKinney St. Houston, TX 77010				
			EXAMINER RUDOLPH, VINCENT M	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,347

Applicant(s)

AZAMI, OSAMU

Examiner

Vincent M. Rudolph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka ('165) in view of Deen ('588).

Regarding claim 1, Kataoka ('165) discloses a digital multiple function processing machine (See Figure 1) that includes an image data supply unit (scanner, See Figure 1, Element 15), an operation unit (control panel, See Figure 1, Element 13), and a printer (See Figure 1, Element 16) such that the image data supply unit can execute image data transmission image data transmission processing by generating and transmitting image data on an original set (the scanner scans images on a document for transmission, See Col. 3, Line 43-46), the operation unit enables a user to perform interrupt copy start command operation so that whenever it is performed, it transmits the interrupt copy start command information (user presses the interrupt key to start the process, See Col. 4, Line 62-66), and the printer can be connected to a computer (through the PC interface, See Figure 1) having a function of transmitting print job data (See Col. 3, Line 10-12). The printer includes a print execution means (the device performs the function, thus it becomes the means) for forming an image on paper based on print data in a predetermined format (See Col. 3, Line 46-49), print data storage

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means for receiving print job data representing printed matter of several pages from the connected computer (the image memory stores data supplied from the computer, See Col. 4, Line 10-12), print job data processing means for generating the print data concerning the printer printed matter for each page and storing the print data in the print data storage means (receiving the print data from the computer, See Col. 3, Line 57-59, and storing it in the image memory, See Col. 4, Line 10-11), and copy control means capable of executing copy control processing of causing the image data supply unit to start the image data transmission processing (operation unit is used to performs setting and instruct the jobs, See Col. 3, Line 26-31), storing the print data responsive to the image data transmitted as a result of the transmission processing (See Col. 4, Line 10-14), and causing the print execution means to print based on the print data (See Col. 3, Line 46-49). If the interrupt copy start command information is received while the print job data processing means operates, the copy control means causes the print job data processing means to interrupt the processing being executed and, as a result, starts processing of waiting for a storage for executing the copy control processing to be formed in the data storage means so that whenever available storage area is formed, the print data being generated is interrupted and the copy control processing starts (whenever the copy interrupt key is pressed, the image memory can have sufficient amount to store the incoming data in order to prevent overflowing of the memory, See Col. 6, Line 3-29).

Kataoka ('165) does not disclose waiting for a sufficient available storage area prior to commencing the operation.

Deen ('588) discloses waiting for a sufficient available storage area prior to beginning the copying process (since the machine is equipped with separate memories, it allows the print data to be safely stored, See Col. 9, Line 17-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include waiting for a sufficient available storage location, such as the one disclosed within Deen ('588), and incorporate it into the digital multiple function processing machine of Kataoka ('165) because it allows the print data to be safely stored rather than deleting the print data if there is not an adequate amount of available storage space provided.

Regarding claim 2, Kataoka ('165) discloses that the user is enabled to perform a print interrupt command as well as a copy start command operation as the interrupt copy start command operation (user is able to select the type of interrupt to perform, See Col. 3, Line 2-5) so that whenever the user performs the print interrupt command operation, transmits print interrupt command information as the element information (See Col. 6, Line 34-42) and whenever the user performs the copy start command operation, transmits copy start command information as the element information (See Col. 4, Line 62-67). Whenever the print interrupt command information is received while the print job data processing means operates, the copy control means of the printer causes the print job data processing means to interrupt the processing being executed whenever the copy start command information is received after the print interrupt command information is received and, as a result, starts processing of waiting for a storage for executing the copy control processing to be formed in the data storage

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means so that whenever available storage area is formed, the print data being generated is interrupted and the copy control processing starts (if the copy interrupt key is pressed during printing, See Figure 2; Col. 5, Line 61-64, the process is interrupted and copying takes place, See Col. 6, Line 7-9, with the image memory having sufficient storage for the incoming data, See Col. 6, Line 27-29).

Kataoka ('165) does not disclose waiting for a sufficient available storage area prior to commencing the operation.

Deen ('588) discloses waiting for a sufficient available storage area prior to beginning the copying process (since the machine is equipped with separate memories, it allows the print data to be safely stored, See Col. 9, Line 17-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include waiting for a sufficient available storage location, such as the one disclosed within Deen ('588), and incorporate it into the digital multiple function processing machine of Kataoka ('165) because it allows the print data to be safely stored rather than deleting the print data if there is not an adequate amount of available storage space provided.

Regarding claim 3, Kataoka ('165) discloses a user is enabled to set a copy condition and transmit the information containing the copy condition information as the interrupt copy start command information (user is able to set various settings during the interruption, See Col. 3, Line 2-6) and the copy control means calculates the capacity of the available storage area required for executing the copy control processing based on

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the copy condition information included within the interrupt start command information (See Col. 5, Line 34-36).

Regarding claims 4-6, the rationale provided in the rejection of claims 1-3 is incorporated herein. In addition, the digital multiple function processing machine of claims 1-3 corresponds to the printer of claims 4-6 and performs the steps disclosed herein.

Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new grounds of rejection. Thus, the prior art of Deen is used in combination with Kataoka to meet the limitations of the claims as disclosed within the rejection above.

Based on these facts as well as having the applicant's arguments been fully considered and persuasive, **THIS ACTION IS MADE NON-FINAL.**

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is: Nitta ('043).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent M. Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

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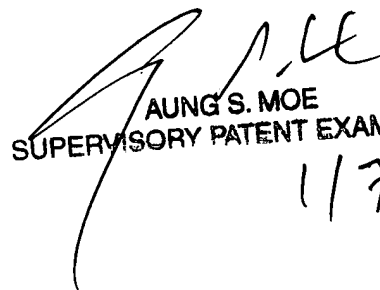
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VMR

1/7/08

Vincent M. Rudolph
Examiner
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AUNG S. MOE
SUPERVISORY PATENT EXAMINER
1/7/08